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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,772	09/26/2001	Ronald G. Butcher	60,298-397; ST231	1768
26096	7590	07/28/2005	EXAMINER	
CARLSON, GASKEY & OLDS, P.C.			NGUYEN, DANNY	
400 WEST MAPLE ROAD			ART UNIT	
SUITE 350			PAPER NUMBER	
BIRMINGHAM, MI 48009			2836	

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/963,772

Applicant(s)

BUTCHER ET AL.

Examiner

Danny Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3-10 and 14-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-10 and 14-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 09/01/2004 with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Claims 2, 11-13 are cancelled.

Claims 14-17 are added.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-10, 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al (USPN 5,690,475) in view of Culp III et al (USPN 5,975,854, hereinafter Culp).

Regarding claims 1, 3-6, 8, Yamada discloses a compressor assembly (fig. 1 and 4) comprises a compressor (1) driven by a motor (5), a protector (e.g. protector 20 shown in figure 4) for limiting operation of the motor (5) and activatable upon a predetermined condition, the motor protector having a switch (20f) that limits operation of the motor (col. 5, lines 33-53), the compressor, the motor and the protector being within a housing (e.g. housing in figure 1). Yamada does not teach a signaling device as claimed. Culp discloses a compressor (figures 1 and 2) comprises a protection module

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(84 in figure 7) comprises a signaling device (e.g. the alarm device, col. 4, lines 23-30) which is located outside the compressor housing, wherein the activation of the switch (e.g. the control relay 170) activates the signaling device (col. 6, lines 39-41), wherein the signaling device comprises a terminal post (116 and 118). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the protection circuit of Yamada to incorporate the signaling device as disclosed by Culp in order to provide indication problem such that the device is easy taken care.

Regarding claim 7, Yamada discloses the predetermined condition relates to an overload condition of the compressor (e.g. col. 5, lines 33-53).

Regarding claim 9, Yamada discloses the compressor (1) is a scroll compressor.

Regarding claims 10, 14-17. Yamada discloses a scroll compressor (fig. 1 and 4) comprises a compressor (1) driven by a motor (5), the compressor, the motor and the protector being within a housing (e.g. housing in figure 1), a pair of scroll elements (3a and 3b) inter-fitting to define compression chambers (9); a drive shaft (5b) driven by an electric motor having a stator (5c) and a rotor (5a), the shaft causing one of the two scroll members to orbit relative to the other; and a motor protector switch (20) mounted in conjunction with a winding of the stator, the motor protector switch including a switch (20f) which is selectively opened to stop operation of the electric motor (e.g. col. 5, lines 33-53). Yamada does not teach a signaling device as claimed. Culp discloses a compressor (figures 1 and 2) comprises a protection module (84 in figure 7) comprises a signaling device (e.g. the alarm device, col. 4, lines 23-30) which is located outside

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the compressor housing, wherein the activation of the switch (such as the control relay 170) activates the signaling device (e.g. see col. 6, lines 39-41), the signaling device comprising a terminal post (terminals 116 and 118). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the protection circuit of Yamada to incorporate the signaling device as disclosed by Culp in order to provide indication problem such that the device is easy taken care (col. 4, lines 25-30).

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Danny Nguyen whose telephone number is (571)-272-2054. The examiner can normally be reached on Mon to Fri 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571)-272-2058. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DN

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7/22/2005



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SUPERVISORY PATENT EXAMINER  
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